

**FACSIMILE TRANSMISSION
TO THE U.S. PATENT AND TRADEMARK OFFICE**

PLEASE DELIVER TO ATTN: Examiner Eleni Mantis Mercader

Concerning the following application:

ATTORNEY DOCKET NO.: 20563/2122

Application of: Rabiner et al.

Serial No.: 09/625,803

Filed: July 26, 2000

Entitled: Method and Apparatus for
Ultrasonic Medical Treatment, In
Particular, For Debulking the
Prostate

Examiner: Mantis Mercader,
Eleni

Group Art Unit: 3737

Conf. No.: 8247

Facsimile No.: 703-746-3346

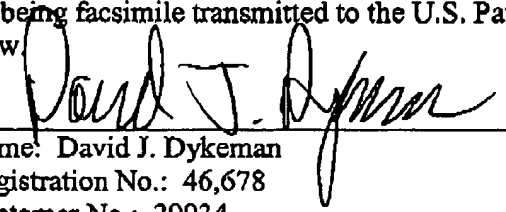
Number of pages including cover sheet: 14

Transmitted herewith: 1. Response to Office Communication mailed on July 15, 2003; and
2. Copy of Preliminary Amendment filed on December 11, 2002 and
copy of stamped post card showing a Preliminary Amendment
was received at PTO on December 11, 2002 previously faxed to
Examiner Mercader on March 11, 2003.

CERTIFICATION

I hereby certify that the paper identified above is being facsimile transmitted to the U.S. Patent and Trademark Office, on the date indicated below:

Date: July 29, 2003


Name: David J. Dykeman
Registration No.: 46,678
Customer No.: 29934
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100

Atty. Docket N .: 20563/2122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Rabiner et al.	Examiner:	Mantis Mercader, Eleni
Serial No.:	09/625,803	Group Art Unit:	3737
Filed:	July 26, 2000	Conf. No.:	8247
Titled:	Method and Apparatus for Ultrasonic Medical Treatment, In Particular, For Debulking the Prostate		

CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. § 1.6d

I hereby certify that this correspondence and any paper referred to as being enclosed are being facsimile transmitted on the date indicated above to the Commissioner for Patents, Examiner Eleni Mantis Mercader, Fax No. (703) 746-3346

David J. Dykeman

Name of Person Mailing Paper

Signature of Person Mailing Paper

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

This is in response to the Office Communication mailed on July 15, 2003 stating that the Amendment filed on March 17, 2003 addresses claims which are not part of the application.

Applicants' hereby gratefully acknowledge a telephone conference with Examiner Eleni Mantis Mercader on July 29, 2003 wherein Applicants' attorney, David J. Dykeman, and Examiner Mercader discussed the Office Communication mailed on July 15, 2003 and agreed that Applicants simply need to re-fax the Preliminary Amendment filed on December 12, 2002 that was previously faxed to Examiner Mercader on March 11, 2003.

Attached herewith is a copy of the Preliminary Amendment filed on December 12, 2002 adding claims 63-82. Thus, the Amendment filed March 17, 2003 is fully responsive, and the objection raised in the Office Communication mailed on July 15, 2003 is overcome.

Serial No.: 09/625,803

Page 2

As stated in the Amendment filed on March 17, 2003 on page 4:

On March 11, 2003, Attorney Dykeman and Examiner Mercader also discussed a Preliminary Amendment filed on December 11, 2002 with additional claims 63-82 which was not made of record. Attorney Dykeman confirmed receipt of a return postcard acknowledging receipt of the Preliminary Amendment (stamped December 11, 2002 by U.S. Patent and Trademark Office) and verified the \$264 check was cashed by the U.S. Patent and Trademark Office. Attorney Dykeman and Examiner Mercader agreed that upon receipt of a fax copy of the Preliminary Amendment filed December 11, 2002 along with a copy of the stamped postcard, the Preliminary Amendment would be entered. On March 11, 2003, Applicants faxed the copy of the Preliminary Amendment to Examiner Mercader. Thus, Applicants respectfully request entry of the Preliminary Amendment containing claims 63-82.

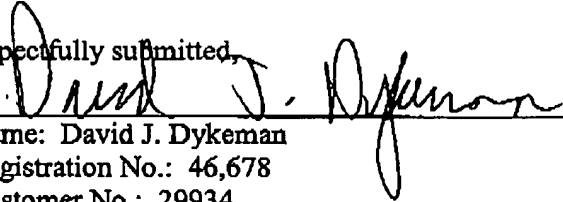
With the Preliminary Amendment originally filed on December 11, 2002, Applicants added new claims 63-82 which are of similar scope to Group II (claims 17-28, 49-62). As discussed with Examiner Mercader, Applicants request new claims 63-82 be added to Group II. Thus, Applicants hereby confirm election of Group II (Claims 17-28, 49-62 and new claims 63-82) for prosecution on the merits, with traverse.

Applicants request that the Amendment filed on March 17, 2003 be entered and the amendments to claims 17, 49, 61, 63 and 73 addressed therein be considered. Applicants believe that after entry of Amendment filed on March 17, 2003, pending claims 17-28 and 49-82 are in allowable form. Thus, reconsideration and allowance of pending claims 17-28 and 49-82 is respectfully requested.

Applicants submit that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicants' attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record.

Date: July 29, 2003

Respectfully submitted,



Name: David J. Dykeman
Registration No.: 46,678
Customer No.: 29934
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel. (617) 239-010

**FACSIMILE TRANSMISSION
TO THE U.S. PATENT AND TRADEMARK OFFICE**

PLEASE DELIVER TO ATTN: Examiner Eleni M. Mantis Mercader

Concerning the following application:

ATTORNEY DOCKET NO.: 20563/2122

Application of: Rabiner et al.	Examiner: Mantis Mercader, Eleni M.
Serial No.: 09/625,803	
Filed: July 26, 2000	Group Art Unit: 3737
Entitled: Method and Apparatus for Ultrasonic Medical Treatment, In Particular, For Debulking the Prostate	
	Conf. No.: 8247

Facsimile No.: 703-746-3346

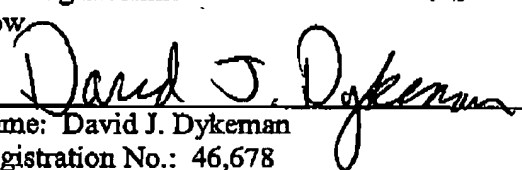
Number of pages including cover sheet: 10

Transmitted herewith: Copy of Preliminary Amendment filed on December 11, 2002; and
Copy of stamped post card showing a Preliminary Amendment was
received at PTO on December 11, 2002.

CERTIFICATION

I hereby certify that the paper identified above is being facsimile transmitted to the U.S. Patent and Trademark Office, on the date indicated below.

Date: March 11, 2003


Name: David J. Dykeman
Registration No.: 46,678
Customer No.: 29934
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100

FILE COPY

Atty. Docket No.: 20563/2122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rabiner et al.

Examiner: Mantis Mercader,
Eleni M.

Serial No.: 09/625,803

Filed: July 26, 2000

Group Art Unit: 3762

Entitled: Method And Apparatus For
Ultrasonic Medical Treatment,
In Particular, For Debulking the
Prostate

Conf. No.: N/A

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EL932825750US on this date, December 11, 2002, postage prepaid, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

David J. Dykeman

Name of Person Mailing Paper

Signature of Person Mailing Paper

Commissioner for Patents
Washington, D.C. 20231**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Preliminary Amendment;
2. Preliminary Amendment Transmittal Letter;
3. Check in the amount of \$264.00 for requisite fees; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085; Reference No. 20563/2122. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: December 11, 2002

David J. Dykeman

Name: David J. Dykeman

Registration No.: 46,678

Customer No.: 29934

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100

JUL 29 2003 16:36 FROM PALMER & DODGE

TO 917037463346

P.05

** JOB STATUS REPORT **

AS OF MAR 11 2003 10:52

PAGE. 01

PALMER & DODGE

JOB #437

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	3/11	10:48	917037463346	EC--S	03' 30"	010	OK

Atty. Docket N .: 20563/2122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rabiner et al.	Examiner: Mantis Mercader, Eleni M.
Serial No.: 09/625,803	Group Art Unit: 3762
Filed: July 26, 2000	Conf. No.: N/A
Entitled: Method And Apparatus For Ultrasonic Medical Treatment, In Particular, For Debulking the Prostate	

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, Express Mail Label No. EL932825750US on this date, December 11, 2002, postage prepaid, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

David J. Dykeman

Name of Person Mailing Paper

Signature of Person Mailing Paper

Commissioner for Patents
Washington, D.C. 20231

BEST AVAILABLE COPY

12/AA

PRELIMINARY AMENDMENT

Sir:

This paper is supplemental to our filing of July 26, 2000.

AMENDMENTIn the Claims

Please add new claims 63-82 as follows:

63. (New) An ultrasonic medical device comprising:
a probe having a distal end, a proximal end and an axial length therebetween; and
a diameter of the probe that is tapered from the distal end of the probe to the
proximal end of the probe,
wherein the probe can support a transverse ultrasonic vibration along at least a
portion of the axial length of the probe.
64. (New) The ultrasonic medical device of claim 63 wherein the probe has a small cross
sectional profile.
65. (New) The ultrasonic medical device of claim 63 further comprising a probe tip capable
of moving axially inward and outward relative to a distal end of an aspiration
sheath.

Serial No.: 09/625,803

Page 2

(c) ☐ No additional fee for claims is required.

OR

(d) ☒ Total additional fee for claims required \$264.00

FEE PAYMENT

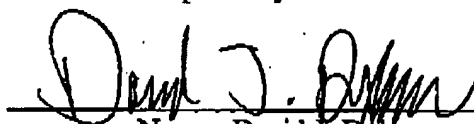
4. ☒ Attached is a check in the sum of \$264.00

☒ Charge Deposit Account No. 16-0085, Reference No. 20563/2122 any additional necessary fees.

☐ Charge the amount of \$ to Deposit Account No. 16-0085, Reference No. and any additional necessary fees. A duplicate of this transmittal is attached.

Respectfully submitted

Date: December 11, 2002


Name: David J. Dykeman
Registration. No.: 46,678
Customer No.: 29934
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100

Express Mail Label No: BL932825750US

Date of Deposit: December 11, 2002

Atty. Docket No.: 20563/2122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rabiner et al.

Examiner: Mantis Mercader,
Eleni M.

Serial No.: 09/625,803

Filed: July 26, 2000

Group Art Unit: 3762

Entitled: Method And Apparatus For
Ultrasonic Medical Treatment, In
Particular, For Debulking the Prostate

Conf. No.: N/A

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT TRANSMITTAL LETTER

Sir:

1. Transmitted herewith is a Preliminary Amendment in the above-referenced patent application.

STATUS

2. Applicant is
☒ a small entity.
☐ other than small entity.

FEE FOR CLAIMS

3. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS AMENDED						
	(1)	(2)	(3)			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	82	minus	62	20	x \$18	360.00
INDEPENDENT CLAIMS	9	minus	7	2	x \$84	168.00
MULTIPLE DEPENDENT CLAIM ADDED	No				\$280	0.00
TOTAL						528.00
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2 and enter amount here.				SMALL ENTITY TOTAL		264.00

PALMER & DODGE LLP

12/11/02 No. 037477

DATE	INVOICE NO.	DESCRIPTION	AMOUNT
12/11/02	181110	FILING FEE/ 2122	264.00

COMMISSIONER OF PATENTS

TOTAL 264.00

PALMER & DODGE LLP

No. 037477

DATE	INVOICE NO.	DESCRIPTION	AMOUNT
12/11/02	181110	FILING FEE/ 2122	264.00

COMMISSIONER OF PATENTS

TOTAL 264.00

PALMER & DODGE LLP
 111 Main Street, Suite 200
 Portland, ME 04101-2203
 Tel: 207.633.1000
 Fax: 207.633.1001
 E-mail: info@palmerdodge.com

PAY ****EXACTLY*****264* DOLLARS AND *00*CENTS**

TO THE ORDER OF **COMMISSIONER OF PATENTS**

PALMER & DODGE LLP

Express Mail Label NO: 61932P2575D03
 2002/3/2122

Maria A. Machado AUTH. SIG.

Post Bank
 not Maine N.A.
 with Portland, ME